

# **STATE BOARD FOR EDUCATOR CERTIFICATION** **DISCUSSION AND ACTION SESSION AGENDA**

February 5, 2010 at 9:00 a.m.  
1701 N. Congress Ave. Room 1-104  
Austin, Texas

The Board will meet in open session and after determining the presence of a quorum, deliberate and possibly take formal action, including emergency action, on the following agenda items:

**1. Call to Order**

**2. Recognitions and Presentations**

- Recognize former Board members
- The University of Houston – Clear Lake (UHCL) was named the 2009 recipient of the Christa McAuliffe Award for Excellence in Teacher Education by the American Association of State Colleges and Universities (AASCU) for its leadership and innovation in teacher education.
- The Dallas ISD Alternative Certification Program had two interns who were named National Interns of the Year for 2007-2008. They were Joshua Gutierrez, a bilingual teacher, and Lisa Culpepper, an English teacher with the district.

**3. Public Testimony**

*The Board will allocate up to thirty (30) minutes at the beginning of each regularly scheduled meeting of the Board for public testimony on non-agenda and consent agenda items.*

**CONSENT AGENDA**

**4. Approval of October 9, 2009 Board Meeting Minutes**

**5. Approval of January 8, 2010 Retreat Minutes**

**DISCUSSION AND ACTION**

**6. [Adoption of Proposed Repeal of 19 TAC Chapter 229, Accountability System for Educator Preparation, and Proposed New 19 TAC Chapter 229, Accountability System for Educator Preparation Programs](#)**

*This item provides the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, the proposed repeal of 19 TAC Chapter 229, Accountability System for Educator Preparation, and proposed new 19 TAC Chapter 229, Accountability System for Educator Preparation Programs. The proposed rule actions would be necessary as a result of Senate Bill (SB) 174, 81st Texas Legislature, 2009, which requires expanded accountability requirements for SBEC-approved educator preparation programs (EPPs). Proposed new 19 TAC Chapter 229 would specify requirements for the new accountability system for EPPs, including the assignment of an EPP accreditation status, and would allow the SBEC to intervene in cases of low-performance. In addition, SB 174 requires the Texas Education Agency*

(TEA) to develop a website with consumer information to assist teacher candidates in selecting an EPP and to assist school districts in hiring decisions. Additional changes are recommended to proposed new 19 TAC §229.2, Definitions; §229.3, Required Submissions of Information, Surveys, and Other Data; and §229.4, Determination of Accreditation Status, since published as proposed.

**7. Proposed Amendment to 19 TAC Chapter 231, Assignment of Public School Personnel, §231.1, Criteria for Assignment of Public School Personnel**

*This item was removed from the agenda.*

**8. Proposed Repeal of 19 TAC Chapter 241, Principal Certificate, §241.35, Assessment Process Definition and Approval of Individual Assessments**

*This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose the repeal of 19 TAC Chapter 241, Principal Certificate, §241.35, Assessment Process Definition and Approval of Individual Assessments. The proposed repeal would be necessary as a result of House Bill (HB) 200, 81st Texas Legislature, 2009, which repealed the statutory authority for the principal assessment.*

**9. Adoption of Review of 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers**

*Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents for SBEC approval the adoption of the review of 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers. The rules being reviewed provide requirements for ensuring the certification of appraisers performing appraisals of teachers, administrators, and counselors employed in Texas public schools.*

**10. Adoption of Review of 19 TAC Chapter 245, Certification of Educators from Other Countries**

*Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents for SBEC approval the adoption of the review of 19 TAC Chapter 245, Certification of Educators from Other Countries. The rules being reviewed provide requirements relating to the issuance of a Texas educator certificate based on certification from another country.*

**11. Proposed Amendments to 19 TAC Chapter 245, Certification of Educators from Other Countries**

*This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss and propose amendments to 19 TAC Chapter 245, Certification of Educators from Other Countries. The proposed amendments would update the rules to reflect current law and add specificity to the requirements relating to the issuance of a Texas educator certificate based on certification from another country.*

**12. Consideration of and Opportunity to Approve a New Educator Preparation Program**

- Texas A & M University-Corpus Christi, Teacher Alternative Certification Program

**13. Consideration of and Opportunity to Approve an Additional Class of Certificate for an Educator Preparation Program Currently Rated Accredited**

- Texas State University, Master Mathematics Teacher EC-4

**14. Consideration of and Opportunity to Approve Passing Standards on the Texas Examination for Master Teachers (TExMaT): Master Technology Teacher**

*This item provides the State Board for Educator Certification (SBEC) the opportunity to review a standard-setting report and approve a passing standard for the new forms of the TExMaT Master Technology Teacher (MTT) examination.*

**15. Litigation Settlement Options in Pending or Contemplated Litigation, Disciplinary Cases, and Pending Litigation**

*The Board may meet in closed Executive Session, pursuant to section 551.071(2) and/or 551.071(1), of the Texas Government Code, to seek legal advice regarding pending or contemplated litigation or settlement of same, and contested cases related to educator discipline and other matters arising under 19 Texas Administrative Code Chapter 249. Pursuant to section 551.102 of the Texas Government Code, any final action on matters discussed in Executive Session must be made in an open meeting.*

**A. Contested Cases**

**I. Defaults**

- 1) Docket No. 2075-EC-0709 State Board for Educator Certification v. Alesia Marie Lozano; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 2) Docket No. 2079-EC-0809 State Board for Educator Certification v. Adrian K. Hudson, Jr.; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 3) Docket No. 3089-EC-0809 State Board for Educator Certification v. Francisco Munoz, Jr.; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 4) Docket No. 2067-EC-0609 State Board for Educator Certification v. Antonio Perez; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 5) Docket No. 2079-EC-0609 State Board for Educator Certification v. Demetrius M. Johnson; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 6) Docket No. 4051-EC-1009 State Board for Educator Certification v. Tamara Attra; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 7) Docket No. 4035-EC-0709 State Board for Educator Certification v. Mark Matthew Martich; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year Suspension

- 8) Docket No. 4045-EC-0809 State Board for Educator Certification v. Sophia Gaona; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 9) Docket No. 4040-EC-0709 State Board for Educator Certification v. John Berry; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 10) Docket No. 4037-EC-0709 State Board for Educator Certification v. Joel S. Perez; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 11) Docket No. 6041-EC-0909 State Board for Educator Certification v. Daniel Clay; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 12) Docket No. 6010-EC-0608 State Board for Educator Certification v. Kenneth Nero; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

- 13) Docket No. 0752-EC-0709 State Board for Educator Certification v. Geneva Cadena; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

14) Docket No. 0747-EC-0609 State Board for Educator Certification v. Jesus Garcia;  
Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

15) Docket No. 0802-EC-0809 State Board for Educator Certification v. Walter J. Aikens, Jr.; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

16) Docket No. 0751-EC-0709 State Board for Educator Certification v. Jeffrey W. Rowe;  
Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

17) Docket No. 0738-EC-0409 State Board for Educator Certification v. Robert P. Couture; Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: Revocation

18) Docket No. 3094-EC-1009 State Board for Educator Certification v. Kara Barcroft;  
Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year Suspension

19) Docket No. 0739-EC-0409 State Board for Educator Certification v. Martha Dunn;  
Action to be taken: Consideration of Issuance of Default Judgment.

Staff recommendation: 1 year Suspension

## **II. Proposals for Decision**

20) Docket No. 701-09-3484.EC State Board for Educator Certification v. Mark Howard;  
Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

21) Docket No. 701-09-3305.EC State Board for Educator Certification v. Brandy Susan Jumper; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

22) Docket No. 701-09-4354.EC Andrew Moreno v. State Board for Educator Certification; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

- 23) Docket No. 701-08-1498.EC State Board for Educator Certification v. Cheree Shepardson; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.
- 24) Docket No. 701-08-3699.EC State Board for Educator Certification v. Carmelita M. Anderson; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.
- 25) Docket No. 701-09-4985.EC Caleb Lujan Henson v. State Board for Educator Certification; Action to be taken: Consideration of Proposal for Decision and Issuance of Final Order.

### **III. Motions for Rehearing**

- 26) Docket No. 2064-EC-0309 State Board for Educator Certification v. Armando Villarreal, Jr.; Action to be taken: Consideration of Motion for Rehearing.
- 27) Docket No. 701-08-2837.EC State Board for Educator Certification v. David Carl Galloway; Action to be taken: Consideration of Motion for Rehearing.

### **B. Pending Litigation**

*The Board may discuss any other litigation arising after the date of posting or reasonably contemplated as of the date of the board meeting.*

- 1) *Jatis McCollister v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-09-001338, In the 250<sup>th</sup> Judicial District Court of Travis County, Texas.*
- 2) *Andrew Broughton v. Livingston Independent School District, Texas Education Agency, State Board for Educator Certification, Robert Scott, Darrell D. Myers, Nikki Wilson, I teach Corp., Inc., Cause No. 9:08CV175, In the United States District Court for the Eastern District of Texas, Lufkin Division.*
- 3) *Gilberto Gomez v. State Board for Educator Certification; Cause No. D-1-GN-09-000309, In the 201<sup>st</sup> Judicial District Court of Travis County, Texas.*
- 4) *Texas Education Agency v. T.F.G., Cause No. X-828, In the 252<sup>nd</sup> Judicial District Court of Jefferson County, Texas.*
- 5) *Leah Mullins, Don Madden, and David Jeffers v. The State Board for Educator Certification, Cause No. D1-GN-08-00979, In the 345<sup>th</sup> Judicial District Court of Travis County, Texas.*
- 6) *Gregory Travillion v. Texas Education Agency, Educator Certification and Standards Division; Cause No. D-1-GN-09-004381.*

### **IV. Appeals**

- 1) *Anthony Allen Jones v. State Board for Educator Certification, Cause No. 03-09-00223-CV, In the Court of Appeals for the Third District of Texas at Austin, Texas.*

**16. Action on Items Discussed in Executive Session**

*Pursuant to section 551.102 of the Texas Government Code, any deliberation and final action on matters discussed in Executive Session may be made in an Open Meeting. For any final action that the Board discussed in Executive Session, the Board will deliberate and take its action in Open Session.*

**DISCUSSION ONLY**

**17. [Review of 19 TAC Chapter 247, Educators' Code of Ethics](#)**

*Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents the review of 19 TAC Chapter 247, [Educators' Code of Ethics](#). The rules being reviewed provide for an educators' code of ethics that sets ethical standards for educators in Texas, which may be enforced by the SBEC in educator certification disciplinary proceedings.*

**18. [Review of 19 TAC Chapter 250, Agency Administration](#)**

*Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including State Board for Educator Certification (SBEC) rules. This item presents the review of 19 TAC Chapter 250, [Agency Administration](#). The rules being reviewed establish procedures for SBEC purchasing, rulemaking, training and education of employees, and negotiation and mediation relating to certain contract disputes.*

**INFORMATION ONLY**

**19. [2007-2010 Rule Review Plan for State Board for Educator Certification Rules](#)**

*This item outlines the rule review plan for State Board for Educator Certification (SBEC) rules during the period of 2007 through 2010. Texas Government Code, §2001.039, requires a rule review of existing state agency rules, including SBEC rules. The rule review requirement is designed to ensure that the reason for initially adopting a rule continues to exist.*

**20. Board Operating Policies and Procedures (BOPP)**

**DISCUSSION AND ACTION**

**21. Requests and/or Questions from Board Members**

**22. Adjournment**

<p>The Board may meet in closed executive session, Texas Government Code, section 551.071 to seek legal advice regarding any item on this agenda.</p>
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